

REMARKS

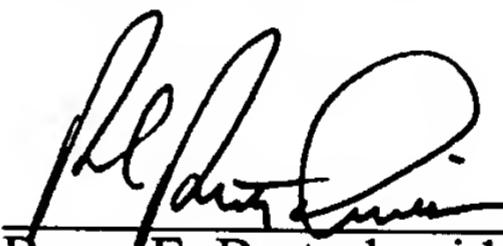
With the entry of the amendments above, claims 1, 3-10, 13, 14 and 19-24 will be pending in this application. Applicants have amended the specification to provide more conventional headings and have amended the claims to correct improper multiple dependency. Applicants have also amended the claims to improve their language without narrowing their scope.

Early action entering these amendments and allowing this application is solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by this amendment, captioned "Version with markings to show changes made".

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 482842000500.

Respectfully submitted,

By: 
Barry E. Bretschneider
Registration No. 28,055

Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-1888
Telephone: (202) 887-1545
Facsimile: (202) 263-8396

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Page 1, line 7, change to read --DESCRIPTION OF RELATED [BACKGROUND]
ART--.

Page 5, before the next to last line, insert the heading: --SUMMARY OF THE
INVENTION--.

Page 6, delete the heading in line 13.

Page 14, line 13, change to read --[BEST MODE FOR CARRYING OUT] DETAILED
DESCRIPTION OF THE INVENTION--.

In the Claims:

In addition to the cancellation of claim 2 by the amendment filed in the international phase, please cancel claims 11, 12, 15-18 without prejudice or disclaimer.

1. (Amended) An ear type clinical thermometer comprising:

a main body configured to be held by hand at a time when an eardrum temperature is to be measured; and

a probe fixed to [the main body while] and protruding from the main body and configured to be inserted into an external auditory canal of a person whose eardrum temperature is to be measured [at the time when the measurement is to be taken, characterized in that], wherein:

the main body has a first side [at which] where the probe protrudes from the main body and a second side opposite to [this] the first side, the second side [opposite to the side at which the probe protrudes from the main body forms] forming a curved surface having a substantially constant curvature along a direction perpendicular to a reference plane containing a center axis of the probe, [and] a center of curvature of this curved surface [is] being located in the vicinity of a base end of the probe.

3. (Amended) An ear type clinical thermometer comprising:

a main body configured to be held by hand at a time when an eardrum temperature is to be measured; and

a probe fixed to [the main body while] and protruding from the main body and configured to be inserted into an external auditory canal of a person whose eardrum temperature is to be measured [at the time when the measurement is to be taken, characterized in that] wherein:

the main body [has an] comprises at least one indicator for allowing a user to recognize a plurality of main-body-holding methods differing according to directions in which the probe is to be inserted into the external auditory canal of the person whose temperature is to be measured.

4. (Amended) An ear type clinical thermometer according to claim 3, further comprising a switch for starting the measuring of the eardrum temperature, which is used [commonly] across [all of the] a plurality of main-body-holding methods, [characterized in that] wherein the indicator is provided [to] on a surface of the switch.

5. (Amended) An ear type clinical thermometer according to claim 3 or 4, [characterized in that] wherein the indicator is arranged on a reference plane which contains a center axis of the probe.

6. (Amended) An ear type clinical thermometer according to [any one of claims 3 to 5] claim 3 or 4, [further characterized in that] wherein the indicators are arranged on both sides of the reference plane containing the center axis of the probe.

7. (Amended) An ear type clinical thermometer according to [any one of claims 3 to 6] claim 3 or 4, [characterized in that:] wherein the main body has a first side [at which] where the probe protrudes from the main body and a second side opposite to this side[; and] the second side [opposite to the side at which the probe protrudes from the main body is] being constructed of a curved surface having a substantially constant curvature along a direction perpendicular to the reference plane.

8. (Amended) An ear type clinical thermometer according to [any one of claims 3 to 7] claim 3 or 4, [characterized in that] wherein the indicator [allows] is configured to allow the user

to recognize[, as the plurality of main-body-holding methods,] a main-body holding method [1] used in a case when the direction in which the probe is to be inserted is a direction going from an opening of the external auditory canal to a back side of the person whose temperature is to be measured, and a main-body holding method [2] used in a case when the direction in which the probe is to be inserted is a direction going from the opening of the external auditory canal to a front side of the person whose temperature is to be measured.

9. (Amended) An ear type clinical thermometer according to [any one of claims 3 to 8] claim 3 or 4, [characterized in that] wherein the indicator [allows] is configured to allow the user to recognize[, with respect to the plurality of main-body-holding methods,] locations on the main body at which a portion of the hand which is to be a reference for the [respective] main-body holding methods is to be positioned.

10. (Amended) An ear type clinical thermometer according to claim 9, [characterized in that] wherein the portion of the hand which is to become the reference for the main-body-holding methods is an index finger.

13. (Amended) An ear type clinical thermometer according to [any one of claims 3 to 10] claim 3 or 4, [characterized in that] wherein the indicator is constructed as a convex portion.

14. (Amended) An ear type clinical thermometer according to [any one of claims 3 to 9] claim 3 or 4, [characterized in that] wherein the indicator is constructed as a concave portion.

19. (Amended) An ear type clinical thermometer, [characterized by] comprising:
a main body configured to be held by hand [at a time] when an eardrum temperature is to be measured; a probe fixed to [the main body while] and protruding from the main body and configured to be inserted into an external auditory canal of a person whose eardrum temperature is to be measured [at the time when the measurement is to be taken]; and a start-measuring switch [which is used in common across] for a plurality of main-body-holding methods differing according to directions in which the probe is to be inserted into the external auditory canal of the person whose temperature is to be measured[,] and having a shape which can allow a user to recognize the plurality of main-body-holding methods.

20. (Amended) An ear type clinical thermometer according to claim 19, [characterized in that] wherein the start-measuring switch is arranged in a substantially symmetrical fashion with respect to a reference plane which contains a center axis of the probe.

21. (Amended) An ear type clinical thermometer according to claim 19 or 20, [characterized in that:] wherein the main body has a first side [at which] where the probe protrudes from the main body and a second side opposite [to this] the first side; and wherein the second side [opposite to the side at which the probe protrudes from the main body] is constructed of a curved surface having a substantially constant curvature along a direction perpendicular to the reference plane containing the center axis of the probe.

22. (Amended) An ear type clinical thermometer comprising:

a main body configured to be held by hand at a time when an eardrum temperature is to be measured; and a probe fixed to [the main body while] and protruding from the main body and configured to be inserted into an external auditory canal of a person whose eardrum temperature is to be measured [at the time when the measurement is to be taken, characterized in that] wherein the main body comprises an indicator surface [for allowing] configured to allow a user to recognize a plurality of main-body-holding methods differing according to directions in which the probe is to be inserted into the external auditory canal of the person whose temperature is to be measured.

23. (Amended) An ear type clinical thermometer according to claim 22, [characterized in that] wherein the indicator surface [is comprised of] comprises a plurality of surfaces [and the plurality of surfaces are] arranged substantially symmetrically with respect to a reference plane containing a center axis of the probe.

24. (Amended) An ear type clinical thermometer according to claim 22 or 23, [characterized in that] wherein the indicator surface [is comprised of] comprises a plurality of substantially flat surfaces [and the substantially flat surfaces] that are aligned along a direction that is perpendicular to the reference plane [being] and are joined in such a way that neighboring substantially flat surfaces form [an] interior [angle] angles of 10° to 170° .